

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC. FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	
AN ADDITIONAL CELL SITE IN LOUISVILLE,	)	
KENTUCKY FOR THE PROVISION OF DOMESTIC	)	CASE NO. 96-286
PUBLIC CELLULAR RADIO	)	
TELECOMMUNICATIONS SERVICE TO THE	)	
PUBLIC IN JEFFERSON COUNTY, KENTUCKY AND	)	
THE LOUISVILLE MSA	)	

O R D E R

On June 27, 1996, Kentucky CGSA, Inc. d/b/a BellSouth Mobility, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Louisville Metropolitan Statistical Area ("the Louisville MSA"). The proposed cell site consists of a monopole antenna tower not to exceed 190 feet in height, with attached antennas, to be located at 6384 LaGrange Road (Highway 146), Crestwood, Jefferson County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 19' 53.12" by West Longitude 85° 27' 49.12".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally

recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. However, Kentucky CGSA has notified the Louisville and Jefferson County Planning Commission of the proposed construction. To date, no comments have been filed by the Planning Commission. Kentucky CGSA has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. Both decisions are pending.

Kentucky CGSA has filed notices verifying that each person who owns property or resides within 500 feet of the proposed cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, Kentucky CGSA has posted notice of the proposed construction in a visible location for at least two weeks after filing its application. The Commission received several letters in protest of the proposed construction and granted one request for intervention in this proceeding. Kentucky CGSA responded to the protestors' concerns as ordered by the Commission. Under separate letter, the Commission informed the protestors of their right to request intervention and a hearing if Kentucky CGSA's response did not satisfy their concerns. The Commission scheduled a hearing in this matter and notified all parties that if the Commission did not receive statements expressing the intent of a party to appear at the hearing and to offer evidence in opposition to the cell site, the hearing would be canceled and the case submitted to the

Commission for a decision. Since no statements were filed, the hearing was canceled and the case submitted on the record for a decision.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Kentucky CGSA should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Kentucky CGSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky CGSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Louisville MSA under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA is granted a Certificate of Public Convenience and Necessity to construct and operate a monopole antenna tower not to exceed 190 feet in height, with attached antennas, to be located at 6384 LaGrange Road (Highway 146), Crestwood, Jefferson County, Kentucky. The coordinates for the proposed cell site are North Latitude 38° 19' 53.12" by West Longitude 85° 27' 49.12".

2. Kentucky CGSA shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

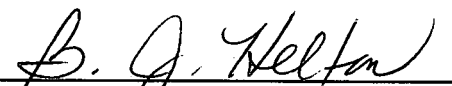
3. Kentucky CGSA shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 25th day of October, 1996.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director